

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ALEX MARQUEZ,

v.

E. K. McDANIEL, et al.,

Petitioner,

Respondents.

Case No. 3:15-cv-00492-MMD-VPC

ORDER

Petitioner has filed an unopposed motion for extension of time to file amended § 2254 petition (third request) (ECF No. 13). The Court grants this motion.

Petitioner has filed a first amended petition (ECF No. 14) and a motion to file a pleading in excess of thirty (30) pages (ECF No. 28). The Court grants the motion to file a long petition. The Court has reviewed the first amended petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. Respondents will need to respond to the first amended petition.

It is therefore ordered that petitioner's unopposed motion for extension of time to file amended § 2254 petition (third request) (ECF No. 13) is granted nunc pro tunc.

It is further ordered that petitioner's motion to file a pleading in excess of thirty (30) pages (ECF No. 28) is granted.

It is therefore ordered that respondents will have forty-five (45) days from the date of entry of this order to answer or otherwise respond to the first amended petition (ECF No. 14). Respondents must raise all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and procedural default. Successive

1 motions to dismiss will not be entertained. If respondents file and serve an answer, then
2 they must comply with Rule 5 of the Rules Governing Section 2254 Cases in the United
3 States District Courts, and then petitioner will have forty-five (45) days from the date on
4 which the answer is served to file a reply.

5 DATED THIS 6th day of June 2016.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE